

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BRIAN HUDDLESTON,

Plaintiff,

vs.

**FEDERAL BUREAU OF
INVESTIGATION and UNITED STATES
DEPARTMENT OF JUSTICE**

Defendant

Case No. 4:20-cv-447-ALM

RENEWED MOTION FOR INTERIM PAYMENT OF COSTS AND ATTORNEY FEES

NOW COMES Brian Huddleston, the Plaintiff, renewing his request for an interim payment of attorney fees (hereinafter “Motion”)(Dkt. #52) as follows:

Plaintiff’s Motion for Interim Payment of Costs and Attorney Fees (Dkt. #52) and Plaintiff’s Supplemental Motion for Interim Payment of Costs and Attorney Fees (Dkt. #96) are incorporated herein by reference. On March 6, 2023, the Court denied the foregoing motions because it was not yet clear whether Mr. Huddleston would prevail in two matters: the Defendants’ Motion for Clarification, or in the Alternative, Reconsideration of the Memorandum Opinion and Order Entered September 29, 2022 (Dkt. #73) and the Plaintiff’s Motion for Clarification of the Memorandum Opinion and Order Entered September 29, 2022 (Dkt. #77). *See* March 6, 2023 Memorandum Opinion and Order (Dkt. #107) 5. The Court wrote that it would “allow Huddleston to re-file the pending motion for interim fees before the entirety of the litigation has concluded.” *Id.* at 6-7. On November 28, 2023, the Court ruled on those motions,

and Mr. Huddleston clearly and substantially prevailed. *See* November 28, 2023 Memorandum Opinion and Order (Dkt. #136).

Since Mr. Huddleston filed his supplemental motion for attorney fees on February 2, 2023, he has incurred an additional \$48,650.00 in fees plus \$70.91 in expenses. *See* Declaration of Ty Clevenger (Exhibit 1). The total outstanding balance is now \$164,302.56. *Id.* Even if the Court grants the expedited production schedule requested by Mr. Huddleston, *see* Response to November 28, 2023 Memorandum and Opinion (Dkt. #141), a number of other motions remain undecided. *See* Plaintiff's Motion for Leave to File Supplemental Complaint (Dkt. #113) and Plaintiff's Unopposed Request for Clarification (Dkt. #142) (discussing Defendant FBI's Motion for Clarification, or in the Alternative, Reconsideration of the Memorandum Opinion and Order Entered September 29, 2022 (Dkt. #73) and Plaintiff's Motion for Clarification of the Memorandum Opinion and Order Entered September 29, 2022 (Dkt. #77)). Given the financial hardships created by the FBI's delays, Mr. Huddleston moves the Court to award interim attorney fees and costs in the amount of \$164,302.56.

Respectfully submitted,

/s/ Ty Clevenger

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Counsel for Plaintiff Brian Huddleston

Certificate of Conference

On January 11, 2024, I conferred with Asst. U.S. Attorney James Gillingham via telephone, and he indicated that the Defendants will oppose this motion.

/s/ Ty Clevenger
Ty Clevenger

Certificate of Service

On January 12, 2024, I filed a copy of this request with the Court's ECF system, which should result in automatic notification via email to Asst. U.S. Attorney James Gillingham, Counsel for the Defendants, at james.gillingham@usdoj.gov.

/s/ Ty Clevenger
Ty Clevenger